

Chairperson Roberts called the regular meeting to order at 6:30 p.m. All six commissioners were present having one vacancy. Glen Black, Director of Community Development and James Shoopman, City Planner also attended.

Chairperson Roberts introduced Gary Burnett as a new member to the Planning Commission.

Citizen Comments

There were none.

Review Preliminary Plat for Jennings Landing ~ located at 392 & 398 1700 Road

Chairperson Roberts opened the public meeting and requested staff's report and recommendations.

The following was presented by James Shoopman, City Planner.

Project Proposal

The Jennings Landing preliminary plan proposes to subdivide approximately 102 acres into 261 single family lots.

Zoning Regulations

The property's zone district was recently established as R-2 which is intended to provide an area which is suitable for single family homes and duplexes.

Preliminary Plan Requirements

Staff review of the preliminary plat has found it to substantially comply with the preliminary plat requirements of Title 16 and the land use regulations of Title 17 of the City Municipal Code.

Staff Recommendations

*Staff recommends **approval** of the Jennings Landing preliminary plat upon the following conditions:*

- 1. The developer will need to enter into a utility extension agreement for off site water & sewer improvements before any construction begins.*
- 2. E Rd shall be improved to City and/or CDOT standards as outlined in the Annexation Agreement. Final City approval of E Rd plans will be contingent upon CDOT requirements.*
- 3. The developer shall construct all intersection improvements along Hwy 50 as required by CDOT. This may include a stoplight, acceleration/deceleration lanes, etc.*
- 4. Water system details shall be approved by the City before construction begins. This includes location site, pump, tank, and foundation design, back-up generator, etc. The developer may need to work with the City to increase the service capacity of the proposed water system to avoid duplicity in serving future development in the area.*
- 5. The developer has offered to contribute \$100.00 per residential unit for water system replacement costs. Staff requests that this be collected before recording a final plat of each phase.*

6. *The Public Works and Utilities Directors recommend that a monthly surcharge be collected from each water user within the subdivision to cover additional water system operation and maintenance costs.*
7. *All outstanding improvements, required as part of the annexation agreement and/or required to serve the subdivision, shall be secured by means acceptable to the City before any final plat is recorded. Such improvements include:*
 - a. *The water system*
 - b. *E Rd improvements*
 - c. *Intersection improvements along Hwy 50*
 - d. *Parks improvements*
8. *Colorado State Parks has requested that the proposed water tank be earth tone in color rather than white. Staff recommends that this be considered as a condition of approval.*
9. *Colorado State Parks has requested that the proposed 6' perimeter fence be tan in color rather than white. Staff recommends that this be considered as a condition of approval.*
10. *Covenants should incorporate language to notify future homeowners of the subdivision that the activities of Sweitzer State Park, such as discharging firearms, boating, fishing, protection of wildlife & other recreational activities, have precedents in the area and will continue to exist.*
11. *The plat should display language that restricts duplexes from being built. Otherwise, plans, calculations, studies, and fees need to reflect the impacts of any additional units planned.*
12. *Water tap fees shall be paid before each phase of construction begins. Water and sewer improvement fees may be paid when applying for building permits.*
13. *Corrections and revisions must be made to the plat and construction drawings as redlined by City staff and as stipulated by Planning Commission before construction begins.*
14. *The development must comply with all City of Delta requirements and other regulatory/permitting agency requirements.*
15. *Preliminary Plat approval expires 2 years from the date of such approval.*

Chairperson Roberts requested the applicant's presentation.

Matt Brezonick with Jehn Engineering, representing Grace Homes, thanked City Staff and State Parks for coming together to help get this project going. Mr. Brezonick presented the proposed site plan explaining that the proposed subdivision contains over 100 acres, that 86 acres will be developed into 261 single family lots (26 estates, 36 medium density, and 200 high density homes), and that the developer is highly driven to provide affordable housing to the community. He also explained that the proposed subdivision will contain approximately 8% of open space per the annexation agreement.

Mr. Brezonick discussed some of the proposed off-site improvements. Grace Homes is currently working on obtaining access permits and approval from CDOT.

Commissioner Bell asked where the existing water line is located within Pioneer Road that Grace will need to tie into.

Mr. Brezonick explained the tie in location of the water line and how they plan to route the new line into the subdivision. He also discussed the sewer line and where it will be routed.

There was some discussion on the water tank location.

Chairperson Roberts asked if the site plan provided to the Planning Commissioners is an updated plan showing the new location of the proposed water tank.

Mr. Brezonick stated that the site plan shows the new proposed tank location. He stated that the commissioners should have a copy of a memo from the City's public works director addressing their concerns. He presented color options and plans for landscaping and screening around the tank.

Mr. Brezonick presented the development schedule and phasing plan. After receiving concept approval from Planning Commission and City Council, Grace will work with City staff to provide details of the water system, such as tank and foundation design, booster pumps, etc. Grace is currently working to receive CDOT access and special use permits and approval of proposed E Rd improvements. Offsite water and sewer construction will be constructed as part of phase one, which consists of 51 lots and half street improvements to E Road directly adjacent to the subdivision. Mr. Brezonick presented several slides of Phase One.

Terry Lawrence, president and CEO of Grace Homes, explained that they are currently working on several different projects throughout Western Colorado. Grace has over 11 years of experience building over 1200 homes. Mr. Lawrence stated that it has been enjoyable to work with the City of Delta.

Mr. Lawrence went over staff's report and wanted to go through a few of the items that are concerns for him. He stated that items #1, 2, 8, 9, 10, 11, 13, 14, 15 are fine.

Mr. Lawrence expressed concerns over the following conditions of approval:

- #3: Grace Homes desires to only pay for their share of intersection improvements along Hwy 50 as required by CDOT.
- #4: Grace desires to do a recapture agreement for the cost of offsite improvements.
- #5, 6: Mr. Lawrence addressed these items together. He requested that either a one time fee be collected at the time of building permit (instead of at final plat) or that a surcharge be collected from water users within the subdivision, but not both.
- #7(c): Mr Lawrence would like to add the following to this condition: "...as required by the traffic study and CDOT".
- #7(d): Grace doesn't believe that the City should be concerned with securing park improvements.
- #12: Grace would like to have the water tap fees collected at building permit instead of final plat.

Mr. Lawrence talked about the annexation agreement and requested to make some slight modifications.

Chairperson Roberts stated that the annexation agreement is with City Council not with the Planning Commission. Therefore, they would need to go to City Council for approval of modifications.

Ben Walden with LSC Transportation stated that he is here and is available for questions if needed.

Chairperson Roberts requested public comment.

Commissioner Bell asked if the traffic study accounted for the possibility of duplexes being built.

Mr. Walden stated that the traffic study has been revised and it now shows single family units only. Mr. Walden addressed several questions on the traffic study including the traffic light, acceleration/deceleration lanes, increase in traffic volume, the CDOT permit process and CDOT comments on requiring a traffic light to be installed along Hwy 50.

There was extensive discussion of the traffic study including a second access into the subdivision, the need for a traffic light along Hwy 50, and E Road improvements. Mr. Brezonick assured the commissioners that they are working very hard with the City and CDOT to resolve the traffic issues. E Road is currently owned by the State, however, the process has been started to transfer that to the City.

Chairperson Roberts addressed Mr. Lawrence's request for recapture agreements.

Mr. Black stated that the City of Delta does not do recapture agreements and it has been previously recommended that the City not do recapture agreements.

Chairperson Roberts stated that the recapture agreement would need to be discussed with staff and legal counsel.

Mr. Shoopman requested that Steve Werner from Colorado State Parks talk about the park's capacity.

Steve Warren, Colorado State Parks, stated that the park reaches capacity on weekends. He discussed his concerns of State Park patrons parking along E Road and within the proposed subdivision. He addressed his concerns of the water tank system.

Jim Atkinson addressed several questions concerning the water tank system. He discussed different locations the tank could be placed, the size of the tank, and pump issues. Mr. Lawrence discussed proposed landscaping around the tank to screen the appearance and the color of the tank.

The planning Commissioner's agreed that the tank color should be tan.

Items #5 and #6 were discussed. Public Works Director Jim Hatheway stated concerns about future replacement and maintenance costs of the tank. He explained that these are two very different costs.

Mr. Shoopman explained that the \$100 per lot contribution proposed by Grace Homes would need to be collected before final platting.

Chairperson Roberts asked Mr. Lawrence to restate his concerns on items #7(c) and (d).

Mr. Lawrence restated that he would like condition #7c to read "...intersection improvements along Hwy 50 *as required by the traffic study and CDOT*".

Mr. Shoopman stated that staff does not have a problem with changing the language to read "...*as required by CDOT*".

Mr. Lawrence then stated his concern on #7(d). He stated that he was unaware of any City codes that require park improvements and that it should not be part of this subdivision approval. Mr. Lawrence addressed questions on park amenities that are going to be offered and which phase those would be built in.

Mr. Shoopman advised that Title 16 of the City Code requires park improvements. He answered questions on the requirements. He advised that plans for any buildings within the park will need to be submitted to the building department.

There was discussion on the park improvements and what phases the developer is going to build them. Mr. Black stated that staff has reviewed the plans and recommends approval. Staff indicated that they have a phasing plan that they can present to the commissioners.

At 8:48pm the public hearing was recessed.

At 8:55pm the public hearing was reconvened.

Chairperson Roberts asked about the amount of parks being developed within phase one and two.

Mr. Shoopman explained that staff will work with the developer to ensure that the requirements are met with each of the phases. Staff is requested that they be allowed to work with the developer to make sure that the City is protecting the interest of the citizens.

Chairperson Roberts answered Mr. Lawrence's comment earlier on item #11; engineering is based on single family units. He continued on to the next item and asked Mr. Hatheway to address the tap fees.

Mr. Hatheway explained the differences between the tap fee and the improvement fees. The City requires the tap fee to be paid before each phase of construction begins. Water and sewer improvement fees may be paid when applying for building permit. Staff read from the city code the process for paying both of the fees and explained the procedures that are currently in place.

Chairperson Roberts addressed the annexation agreement and stated that the agreement is between the developer and City Council.

Commissioner Bell asked about drainage and the proposed retention pond.

Mr. Atkinson explained how the drainage would work. He talked about the storm system that will drain into the retention pond and how the retention pond will drain. Questions on the depth, landscaping, and security of the pond were also answered.

Chairperson Roberts asked for any more comments.

Mr. Warren asked who would own the perimeter fence between the proposed subdivision and the State Park.

Mr. Lawrence stated that it would be owned & maintained by the Homeowner's Association and that they hire a professional management company to manage the HOA.

There was discussion on E Road including parking, the State Park's sign (that is currently located within the E Rd right of way) and the entrance to the State Park.

Chairperson Roberts closed the public meeting and requested commissioner comments.

Commissioner Bell motioned to table this project for one month due to the traffic study needing to be corrected and other outstanding details that needed to be tied up. Motion failed for lack of a second.

There was some discussion of wording on various items.

It was moved by Commissioner Raley and seconded by Commissioner Jahn to recommend approval of the Jennings Landing Preliminary Plat to City Council contingent upon the following:

1. Staff Recommendations as outlined in this report.
2. Planning Commission would like to add to item #7(c) the words "... as required by CDOT".

Voting aye: Commissioners Raley, Jahn, Roberts, and Oelke.

Voting nay: Commissioner Bell.

Motion carried.

At 9:24pm the regular meeting was recessed.

At 9:25pm the regular meeting was reconvened.

3 Mile Plan Review

Chairperson Roberts asked if the wording in the plan was corrected from Kinder Morgan to Source Gas.

Mr. Shoopman stated that it was corrected.

Chairperson Roberts requested staff's report and recommendations.

The following was presented by James Shoopman, City Planner.

Overview

The following plan is hereby developed to comply with C.R.S. 31-12-105 (e)(I), which states the following:

...No annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year...

...Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually...

The Plan

The City of Delta's Three Mile Plan includes the following:

- 1. A boundary map showing a three mile area around the City.*
- 2. The City of Delta Comprehensive Plan.*
- 3. The Growth Management Agreement between the City and Delta County recorded January, 2007 in the Delta County Records.*
- 4. The Delta County Road and Bridge Map, incorporated to the extent of the three mile area shown on the boundary map.*
- 5. The Capital Improvement Plans.*
- 6. The Major Street Plan.*

Public utilities in the three mile area include the following:

- a. Power providers: Include the City of Delta and Delta-Montrose Electric Association pursuant to the Service Area Agreement.*
- b. Sewer: Available in and near the City from the City of Delta. City sewer is extended as per City ordinances at the cost of the applicant, or pursuant to special financial projects. Other areas are planned for agricultural or low density residential until City sewer is extended. The 208 Plan is hereby incorporated by reference. ISDS are authorized under certain circumstances in the City.*
- c. Water service: Domestic water services are provided in the area by the City of Delta and Tri-County Water conservancy District within their respective service areas as provided by agreement between the parties. Such service area contracts are hereby incorporated by reference as part of this Plan. City water service is also provided by the Town of Orchard City in the vicinity of the Town.*
- d. Trash collection: City trash service is provided within the City. Private collection services operate outside and within the City. Delta County operates the Delta County Landfill.*
- e. Telephone: Qwest Communications and Delta County Telecom as per their certified service areas.*
- f. Natural Gas: Source Gas provides service available in the City, in fringe areas of the City, and along the main pipeline only.*

g. Cable TV: Available in and near the City only, pursuant to CATV permit.

The proposed land uses of the area consist of public land, agricultural uses, and low-density residential uses, except to the extent specifically provided otherwise on the three mile boundary map or by the City's Official Zoning Map.

No transportation services are proposed to be provided by the City other than streets, alleys or bikeways, and recreation pathways.

To the extent that any item mentioned in C.R.S. 31-12-105 (1) (e) is not reflected in the items of this Plan, the Plan should be construed to mean that no such facilities are contemplated to be provided.

In the event of any conflict between anything in the foregoing elements of the Three Mile Plan and City ordinances or regulations, the City ordinances and regulations shall control. The City of Delta Comprehensive Plan and other city elements of the above documents shall control with respect to any conflicts with provisions of the plan incorporated from other "non-City" entities.

Town of Orchard City plans, ordinances and regulations shall control within the Town of Orchard City.

Staff Recommendation

Staff recommends approval of the Three Mile Plan.

Chairperson Roberts stated that it does include a portion of Orchard City.

Chairperson Roberts requested public comment. There was none.

Chairperson Roberts closed the public meeting and requested commissioner comments.

It was moved by Commissioner Jahn and seconded by Commissioner Raley to recommend approval of the Three Mile Plan to City Council. All in favor, motion carried.

Minutes

Chairperson Roberts requested a change on page 8. His statement was "according to staff report the proposed design would be the most cost effective for the city".

It was moved by Commissioner Bell and seconded by Commissioner Raley to approve the minutes of the February 4th, 2008 meeting with the changes stated by Chairperson Roberts. All in favor, motion carried.

Commissioner Comments

Commissioner Burnett addressed CDOT's recommendation on the stop light.

There was some discussion regarding the stop light at E Road or at Pioneer Road.

Chairperson Roberts stated that there were items that were difficult to consider tonight. However, he thought it went very well.

Commissioner Raley wanted to welcome Gary Burnett as a new member.



Chairperson Roberts advised that City Council will be interviewing for the open seat on Planning Commission tomorrow night.

Mr. Black stated that was correct and that he also will be presenting Bill Raley's application to be considered for reappointment at that time.

Staff Comments

Mr. Black talked about the Comprehensive Plan. He needs Planning Commissions feedback on the matrix that was sent out. They would like to set up another meeting around mid March for the steering committee. Community Development will be short staffed this week due to several individuals at training in Denver.

There was some discussion on the Comprehensive Plan and the steering committee. A meeting for the steering committee is for March 17, 2008 at 6:30pm.

The meeting was adjourned at 9:44 p.m.

Jolene E. Nelson
Deputy City Clerk